

Appl. No. 10/682,058  
Response dated October 19, 2004  
Reply to Office Action of July 19, 2004

Docket No. 6697.37002

### REMARKS / ARGUMENTS

Claims 1-10 are pending in the application. Claims 7-10 have been withdrawn from consideration, as they are directed to a non-elected invention. Note that claim 8 was omitted in the original filing, and Applicant will file an appropriate amendment to renumber the claims in any divisional applications that may be filed.

Claims 1-6 remain in this application. Claims 1 and 5 have been amended. No claims have been cancelled or added.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Ganiere (U.S. Patent Application Publication 2003/0219329). This rejection is respectfully traversed.

Ganiere shows a lifting device for lifting and lowering articles between an airport tarmac and an upper loading area (e.g., a staircase landing) at the top of a service stairway next to a passenger terminal bridge/walkway. (See Abstract) In Paragraph 0023, Ganiere says that cantilevered attachment and support means 42 supports frame 38 "adjacent an underneath side of an auxiliary access stairway's upper portion landing platform 44." Thus, the frame 38 of the elevator means 36 is supported near an upper landing of the auxiliary access stairway so that the elevator means is positioned away from the interior of the bridge/walkway. The elevator must be positioned away from the interior of the walkway because articles of luggage pass through a door to access the elevator, and the door must have the area provided by the landing to swing open without hitting portions of the elevator frame.

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In contrast, Applicant's invention includes:

A housing coupled to the exterior of said passage structure with a housing opening located inline with and attached around said second port (See currently amended Claim 1).

Support for the underlined words added to claim 1 may be found in the specification on page 16 in the last paragraph. There, the specification describes a housing that is "attached to the outside of the cab around the opening" of the second port. As described on page 5 in the third paragraph, the second port of the passage structure "extends into the housing in communication with the interior upper zone" of the housing. Thus, in Applicant's invention there is not an open-air space or distance between the housing and the passage structure. This coupling between the housing and the passage structure may be seen in Figs. 2, 7, 8, 13, and 33.

Therefore, the prior art does not teach or suggest a housing coupled to the exterior of the passage structure with openings in line and attached around the second port. In fact, the prior art teaches away from the present invention by teaching a gap or distance between the elevator means and the interior of the walkway/bridge. In Ganiere, the gap is needed for space to open the door. Applicant's invention does not use the door opening at the top of the stairway and does not need clearance from the bridge stairway door.

With regard to claims 2-4, the Examiner says that Ganiere discloses "the second port (26) is located in the rotunda and the housing (38) bears on the ground." Applicant respectfully disagrees with this interpretation of Ganiere. First, Ganiere shows frame 38, which is not a housing, supported by cantilevered attachment and support means 42 to a "cab" of the passenger bridge, not a rotunda. The rotunda is the part of the bridge coupled to an airport structure that allows the bridge to rotate about a vertical axis. (see bottom of page 10 and top of page 11 in the specification)

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Second, Ganiere does not disclose a housing or a frame that bears on the ground. Only a portion of the weight of inclined ramp 28 bears on the ground at ground engagement wheels 68. The planar platform 46 of elevator means 36 is lowered to tarmac surface 24, but does not bear on tarmac 24. Elevator means 36 is supported by the cab of the passenger bridge by cantilevered attachment and support means 42, which is mounted to the bottom framework of the cab.

For the reasons stated above, applicant respectfully requests the withdrawal of the §102 claim rejection.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Ganiere (U.S. Patent Application Publication 2003/0219329) in view of Nygren (U.S. Patent Application Publication 2002/0084148). This rejection is respectfully traversed.

Nygren shows a mechanical safety device for use with an elevator or hoist. The safety device can enter into the path of a hoist cage at a distance from the upper and lower end limits of the hoist cage to mechanically secure safety zones above and below the hoist cage. The safety zones provide a safe place for workers while they service various aspects of the hoist. The purpose of the Nygren invention is to mechanically limit the range of motion of the hoist without relying upon electrical switches to limit the range of motion. The mechanical devices are shown in Fig. 1, where vertical leg and titling projection 8 may be moved into hoist shaft 2 to limit the range of movement of hoist cage 1.

In support of this §103 rejection, the Examiner states that "Nygren teaches the use of a safety switch assembly (5, 8)," and that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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provide the baggage lift of Ganiere with a safety switch assembly as taught by Nygren in order to create a safety zone around the baggage lift as reasonably suggested by Nygren." Applicant respectfully disagrees.

In contrast to Nygren, Applicant's invention uses an "electrical switch coupled to the carriage at a position to be controlled by the platform when the platform engages the floor for shutting off the motor." (see Applicant's claim 5) Applicant's invention does not include the concept of providing a safety zone to protect a worker between the carriage and the tarmac. It is not clear in the Nygren disclosure where the switch is located, and whether or not it is "coupled to the carriage at a position to be controlled by the platform when the platform engages the floor for shutting off the motor."

Additionally, Applicant respectfully requests that the §103 rejection be withdrawn for the same reasons set forth with respect to the §102 rejection of claim 1, from which claim 5 depends.

Because the prior art does not teach or suggest a housing coupled to the exterior of a passage structure with a housing opening located inline with and attached around a port in the passage structure, and because the prior art does not teach or suggest an electrical switch coupled to the carriage for shutting off the motor when the platform engages the floor, Applicant respectfully requests the withdrawal of the claim rejections.

### CONCLUSION

For the reasons stated above, and in view of the amendments, Applicant respectfully submits that the application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

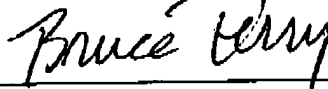
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If the Examiner believes that any remaining issue of patentability might be expeditiously resolved in a telephone conference, the Examiner is invited to call Applicant's attorney at the telephone number below.

No additional fee is deemed required. However, if an additional fee is required, the Commissioner is hereby authorized to charge additional fees which may be required for this Amendment, or credit any over payment, to Deposit Account Number 23-2770. If any extension of time is required, such extension is hereby requested. Please charge any additional required fee for such extension of time to Deposit Account Number 23-2770.

Respectfully submitted,



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